

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

In Re:)
)
Rachel Elizabeth Fracassa,) Case No. 13-41828-can7
)
Debtor.)
)
Rachel Elizabeth Fracassa,)
)
Plaintiff,)
)
vs.) Adversary No.
)
American Education Services,)
)
Defendant.)

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

Comes now the Plaintiff, and, for her Complaint to Determine Dischargeability of Debt, states as follows:

1. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §1334 and 11 U.S.C. §523(a)(8).
2. Venue in this Court is proper under 28 U.S.C. §§1408 and 1409(a).
3. This matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
4. The plaintiff filed a Chapter 7 proceeding on May 16, 2013.
5. The defendant American Education Services [AES] is a fictitious name, registered with the Missouri Secretary of State's Office, owned by the Pennsylvania Higher Education Assistance Authority [PHEAA], current holder and/or servicer of the aforesaid loans, which the debtor believes may have originated with the National Collegiate Trust.

6. The plaintiff listed four (4) student loans currently held by the defendant on her list of unsecured creditors: a loan in the approximate amount of \$16,042.00 taken out by the debtor's deceased husband on or about January 25, 2006; a loan in the approximate amount of \$21,857.00 taken out by the debtor's deceased husband on or about June 28, 2006; a loan in the approximate amount of \$8,556.00 taken out by the debtor's deceased husband on or about January 9, 2007; and a loan in the approximate amount of \$30,688.00 taken out by the debtor's deceased husband on or about August 10, 2007.
7. The plaintiff believes that she may have co-signed each of these loans taken out by her deceased husband for his higher education.
8. The plaintiff has four children, ranging in age from 3 months to 10 years of age.
9. The plaintiff is the sole supporter of her four (4) children.
10. The plaintiff's husband and father of her children died in a one-car accident in the fall of 2012.
11. The plaintiff's only sources of income are social security benefits and food stamps.
12. Excepting these debts from discharge will impose an undue hardship on the plaintiff and the plaintiff's four (4) dependents.

WHEREFORE, the plaintiff prays that the Court determine each of the four (4) student loans taken out by her deceased husband to be discharged in her Chapter 7 proceeding, and for such other relief as is just and proper.

Respectfully submitted,

/s/ Rachel E Fracassa
Rachel E Fracassa, Plaintiff

/s/ Daniel C Hall
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CERTIFICATE OF SERVICE

A copy of the above and foregoing was served by first class mail, postage prepaid on the 15th day of August, 2013, on:

American Education Services
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Pennsylvania Higher Education Assistance Authority
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/s/ Daniel C Hall
Daniel C. Hall